

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

TRAVELODGE HOTELS, INC.,

Plaintiff,

vs.

GOPAL GOVAN,

Defendant,

vs.

CINCINNATI TRAVELODGE,

Third-Party Defendant..

DEPONENT: GOPAL GOVAN

VOLUME I

WEDNESDAY JANUARY 29, 2003

9:00 a.m.

REPORTED BY:

ANGELA S. BERENS

1 (Brief recess.)  
 2 (THEREUPON, Plaintiff's Exhibit No. 13  
 3 was marked for identification.)  
 4 BY MS. OLIVER:  
 5 Q. Mr. Govan, what's been marked as  
 6 Exhibit 13 is a letter dated August 2nd, 2001. It's  
 7 addressed to you and it's regarding the notice of  
 8 termination. If you want to go ahead and read it.  
 9 A. (Witness peruses document.)  
 10 Q. This is the letter that terminated the  
 11 license agreement, correct?  
 12 A. Yes.  
 13 Q. And the date of termination was August  
 14 2nd, 2001, correct?  
 15 A. Yes.  
 16 Q. And the license agreement was  
 17 terminated for the failure to comply with  
 18 Travelodge's systems standards and its failure to pay  
 19 fees that were owed under the license agreement,  
 20 correct?  
 21 A. Correct.  
 22 Q. And you agree that you did not pay all  
 23 of the fees that were owed; isn't that correct?  
 24 A. Yes.

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1 hire somebody to do that?  
 2 A. Not the sign board. We just turned it  
 3 over ourselves.  
 4 Q. But the billboard, you hired somebody  
 5 to do that?  
 6 A. Yeah. Because I think what we did was  
 7 put another name on the billboard.  
 8 Q. Do you know when you hired this person  
 9 to cover the billboard?  
 10 A. It was the same sign company. The guy  
 11 could probably get you the dates.  
 12 Q. If you could find the invoice or  
 13 identify when that was done, that would be very  
 14 appreciative. Do you know when the property was  
 15 completely deidentified?  
 16 A. It was shortly after this notice.  
 17 Q. Shortly after?  
 18 A. (Witness nods head affirmatively.)  
 19 Q. Do you have any idea? Was it within  
 20 the ten days?  
 21 A. Probably 15 days.  
 22 (THEREUPON, Plaintiff's Exhibit No. 14  
 23 was marked for identification.)  
 24 BY MS. OLIVER:

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1 Q. If you look at the last paragraph on  
 2 the first page.  
 3 A. Uh-huh.  
 4 Q. It says, Pursuant to the terms of the  
 5 license agreement, Licensee must completely  
 6 deidentify the Unit from its appearance as a  
 7 Travelodge guest lodging facility within ten days of  
 8 your receipt of this letter.  
 9 That was your obligation under the  
 10 license agreement, correct?  
 11 A. Yes.  
 12 Q. What did you do to begin to deidentify  
 13 the facility?  
 14 A. Take out all of the logos from the  
 15 rooms and cover up the sign.  
 16 Q. When did you do that?  
 17 A. It was shortly after this letter, but  
 18 I think -- let's see. We had a billboard, too, so we  
 19 had to call the billboard guy to cover the billboard  
 20 up and we had a sign guy turn the signs over on the  
 21 billboard afterwards because I think we had a cover  
 22 on there and it blew off and turned the signs over.  
 23 Q. I assume you paid somebody to cover up  
 24 the billboard and turn the sign over? You had to

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1 Q. Mr. Govan, what's been handed to you  
 2 as Exhibit 14 is entitled Post Termination  
 3 Obligations Checklist.  
 4 A. Uh-huh.  
 5 Q. And this is a copy of a report that is  
 6 filled out after an inspector has visited the  
 7 property to see if it has deidentified.  
 8 Can you tell me the date of this?  
 9 A. 8/26/2001.  
 10 Q. So it's 24 days after the termination,  
 11 correct?  
 12 A. Uh-huh. Yeah.  
 13 Q. And I know that it's difficult because  
 14 the photos on the second page are not in color, but  
 15 can you see in the photograph that's marked primary  
 16 sign that the Travelodge sign is still up?  
 17 A. Yes.  
 18 Q. In the two top photos?  
 19 A. I do.  
 20 Q. In the lobby area you see the map up  
 21 with the Travelodge sign, correct?  
 22 A. I think I had a call after this.  
 23 Q. Guest Room 104 there were still the  
 24 items in the room with the Travelodge logo, correct?

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## CIN-TEL CORPORATION

1 A. Uh-huh.

2 Q. So you would agree with me 24 days  
3 after the termination of the property you had not  
4 deidentified, correct?

5 A. Apparently not.

6 (THEREUPON, Plaintiff's Exhibit No. 15  
7 was marked for identification.)

8 BY MS. OLIVER:

9 Q. Mr. Govan, what's now been handed to  
10 you as Exhibit 15 is another Post Termination  
11 Obligations Checklist. If you could please tell me  
12 what the date is on this.

13 A. October 30th.

14 Q. Of what year?

15 A. 2001.

16 Q. Thank you. And on this first page  
17 it's representing that with respect to the primary  
18 sign you have removed that. Billboard to change name  
19 has been removed. You've stopped answering the phone  
20 Travelodge.

21 The only thing in the first item that  
22 still remains is your failure to return confidential  
23 operations manuals and reservation equipment. Is  
24 that correct? I'm looking at the first page, I'm

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1 the tag on the back of the door. There is a  
2 Travelodge logo, correct?

3 MR. HOUSTON: I'll object. If you can  
4 tell.

5 Q. Can you tell?

6 A. It seems to be that way.

7 Q. How about on the phone, can you tell  
8 if there is a Travelodge logo on the phone?

9 A. Yeah. It looks like there is one on  
10 there.

11 Q. Mr. Govan, do you know what revenue at  
12 the facility between the time period of August 2nd,  
13 2001 and the date of this inspection on 10/30/2001?

14 A. No, I don't.

15 Q. Is that something we could find out?

16 A. We could find out.

17 Q. If you could please find out that  
18 information and provide that information to  
19 Mr. Houston.

20 (Off the record.)

21

22 GOPAL GOVAN

23

24 (Deposition continued in progress  
concluded at 4:00 p.m.)

25

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1 sorry, in that top section.

2 A. Uh-huh.

3 Q. The items that are marked yes means  
4 that you have deidentified. The items marked no  
5 means you have not. The only thing identified there  
6 is the returned confidential operations manuals and  
7 reservation equipment, correct?

8 A. Returned confidential operations  
9 manuals and reservation equipment.

10 Q. That wasn't returned, correct?

11 MR. HOUSTON: I'm going to object to  
12 the extent we haven't established that he  
13 received this document at any time.

14 A. I don't know nothing about the  
15 manuals.

16 Q. You don't know whether they were  
17 returned or not, correct?

18 A. No. I don't know where they are.

19 Q. Looking at the photographs on the next  
20 page, it appears that the primary sign has been  
21 covered up, correct?

22 A. Yes.

23 Q. It appears that the items that remain  
24 to be covered or removed are in the photos showing

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# 1 CERTIFICATE

2 STATE OF OHIO:

SS:

3 COUNTY OF BUTLER:

4 I, Angela S. Berens, the undersigned, a duly  
5 qualified and commissioned notary public in and for the  
6 State of Ohio, do hereby certify that before the  
7 giving of his deposition, the within named GOPAL  
8 GOVAN was by me first duly sworn to testify the  
9 truth, the whole truth and nothing but the truth;  
10 that the foregoing pages constitute a transcript of  
11 testimony given at said time and place by said  
12 deponent; that said deposition was taken by me in  
13 stenotypy and transcribed under my supervision; that  
14 I am neither a relative of nor attorney for any of  
15 the parties to this cause, nor relative of nor  
16 employee of any of their counsel, and have no  
17 interest whatsoever in the result of this action. I  
18 also have no financial interest under a contract as  
19 defined in Civil Rule 28(D).

20 IN WITNESS WHEREOF, I hereunto set my hand  
21 and official seal of office at Fairfield, Ohio, this  
22 16th day of February, 2003.

23

MY COMMISSION EXPIRES: ANGELA S. BERENS  
24 DECEMBER 2, 2004 NOTARY PUBLIC-STATE OF OHIO

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